



**DEPARTMENT OF TRANSPORTATION**

**[4910-22-P]**

**Federal Highway Administration**

**Buy America Waiver Notification**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of 0.5 in. x 0.008 in. steel fibers with ultimate tensile strength of 290 ksi. in Ultra High Performance Concrete (UHPC) at the joints and closure pours between deck pours of a Federal-aid project; US-6 over D&RGW Railroad in Utah.

**DATES:** The effective date of the waiver is [insert date one day after publication in Federal Register].

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

## **Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use UHPC 0.5 in. x 0.008 in. steel fibers with ultimate tensile strength 290 ksi. on Federal-aid project US-6 over D&RGW Railroad in Utah.

In accordance with Division A, section 122 of the "Consolidated and Further Continuing Appropriations Act, 2012" (Pub. L. 112-284), the FHWA published a notice of intent to issue a waiver on its Web site for UHPC steel fibers for a project in Utah (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=90>) on July 23rd. The FHWA received no comments in response to the publication. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers of UHPC 0.5 in. x 0.008 in. steel fibers with ultimate tensile strength of 290 ksi. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of the UHPC steel fibers.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate for the use of non-domestic UHPC 0.5 in. x 0.008 in. steel fibers with

ultimate tensile strength of 290 ksi. by the State of Utah. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Utah waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410)

Issued on: October 7, 2013

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Victor M. Mendez  
Federal Highway Administrator

[FR Doc. 2013-24974 Filed 10/23/2013 at  
8:45 am; Publication Date: 10/24/2013]